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DEPT FOR EUR/SE: WEINSTEIN, COWAN, GOODMAN; CA/VO FOR JOHN BRENNAN; CA/P FOR FRELICK ADN DONAHUE; DHS PLEASE PASS TO MARC FREY

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SUBJECT: GREECE AND US REACH ACCORD ON HSPD-6 DRAFT TEXT

REF: ATHENS 221

Classified By: Tom Countryman, DCM, for reason 1.4 (d)

¶1. (C) Summary: State Department and Terrorist Screening Center (TSC) representatives engaged in a marathon negotiating session with Greek Foreign Ministry and Hellenic police officials on May 28. After 11 hours, a mutually-acceptable draft of the Homeland Security Presidential Directive-6 (HSPD-6) arrangement was achieved. While the document will require review and final revision by both sides, the USG side and the GoG negotiators agreed to move to a conclusion as expeditiously as possible. In trying to avoid a document that would require parliamentary approval, the USG side proposed an exchange of letters between Ambassador and an appropriate interlocutor on the Greek side, as the Embassy and GoG had done on other issues in the past. End summary.

¶2. (C) As per reftel, a joint State Department/TSC team made up of Alcy Frelick (Senior Coordinator, CA/P/IP), Richard Kopel (Principal Deputy Director, TSC), Jacqueline & Lyn8 Brown (FBI, Legal Advisor, TSC) and Kathleen Hooke (Attorney Adviser, L/CA) represented the USG, along with the CG, the visa unit chief, and deputy political counselor from Embassy Athens. The Greek government negotiators were led by Ambassador Chryssoula Aliferi (Director of the Department of Justice, Home Affairs and Schengen at the MFA) and Police Lieutenant General Stefanos Skotis of the Hellenic Police (Ministry of Interior). Other participants from the MFA included Greg Vassiloconstantakis (Acting Director, North America Directorate) and Despina Lourbacou (First Counselor, Department of Justice, Home Affairs and Schengen). In addition, four legal advisors were present, from both the Department of International Public Law (Zinovia Stavridis and Martha Papadopoulou) and the Department of European Law (Ekaterini Samoni and Tatiana Papadopoulou). Six officials from the Hellenic Police also participated.

¶3. (C) Both sides came to the table ready to negotiate a mutually acceptable document. Lawyers from L/CA and TSC clarified legal issues in the text that had confused the Greeks in their initial review, and substituted language that was more direct. Our Greek interlocutors were prepared, fully engaged, and collegial in their approach. At the end of a long day, the basic text had been agreed to with certain details such as the document header and the format (formal agreement or an exchange of letters) remaining to be resolved. Both sides agreed to aim for a final resolution on the text within a week if possible. The GoG team cautioned, however, that a formal agreement might require parliamentary approval. This decision, Ambassador Aliferi said, would be made &higher up.⁸ Ms. Frelick noted that parliamentary approval would likely trigger a need for a binding agreement on our side, which would delay conclusion of the issue by many months.

¶4. (C) COMMENT: These discussions were conducted in an atmosphere of goodwill on both sides, and both went to the table with an intention to conclude an agreement. The length and difficulty of the negotiations arose from the entirely different legal and structural institutions in Greece and the U.S., the strong privacy and data protection laws in Greece and the EU, and from a mutual desire not to undermine ongoing informal info-sharing arrangements. The GoG's conduct in the discussions indicated they recognized both the value of the HSPD-6 program for its own sake, and the role an HSPD-6 agreement will have in satisfying one of the implementing arrangements for the VWP. The serious and flexible approach the Greek negotiators demonstrated bodes well for a rapid conclusion of the very few outstanding issues in the negotiation of the more general Visa Waiver MOU. END COMMENT.

SPECKHARD